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[Click here to eFile on Case](#)**Sort Date Entries:** ☒ Descending**Display Options:**[Click here to Respond to Selected Documents](#)☐ Ascending**08/20/2020** ☐ [Motion for Continuance](#)

Motion for Continuance.

Filed By: RICHARD ANTHONY VOYTAS**On Behalf Of:** MYRA JORDAN**07/28/2020** ☐ [Notice of Service](#)

Return of Service.

Filed By: RICHARD ANTHONY VOYTAS**On Behalf Of:** MYRA JORDAN**07/27/2020** ☐ **Corporation Served**

Document ID - 20-AASM-1929; Served To - NATIONWIDE CREDIT, INC.; Server - ; Served Date - 28-JUL-20; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served

07/17/2020 ☐ [Alias Summons Issued](#)

Document ID: 20-AASM-1929, for NATIONWIDE CREDIT, INC..

07/14/2020 ☐ [Request Filed](#)

Request for Appointment of Process Server; Proposed Alias Order.

Filed By: RICHARD ANTHONY VOYTAS**On Behalf Of:** MYRA JORDAN☐ [Order](#)

The Circuit Clerk is hereby ordered to prepare a Summons by Special Process on the above matter in accordance with the Motion for Process Server that is being filed herewith. Judge Nicole Colbert-Botchway 44856

☐ **Hearing Scheduled****Scheduled For:** 08/26/2020; 9:30 AM ; NICOLE JEAN COLBERT BOTCHWAY; City of St. Louis**06/19/2020** ☐ **Filing Info Sheet eFiling****Filed By:** RICHARD ANTHONY VOYTAS☐ [Pet Filed in Associate Ct](#)

Petition; Request for Appointment of Process Server.

Filed By: RICHARD ANTHONY VOYTAS**On Behalf Of:** MYRA JORDAN☐ **Judge Assigned**

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI
ASSOCIATE DIVISION**

MYRA JORDAN,

Plaintiff,

v.

NATIONWIDE CREDIT, INC.

Serve at:

C. T. Corporation System
120 S. Central Ave.,
Clayton, MO 63105

Defendant.

Cause No

Division

JURY TRIAL DEMANDED

PETITION

COMES NOW Myra Jordan ("Plaintiff"), by and through her undersigned counsel, and for her petition states as follows:

INTRODUCTION

1. This is an action for actual and statutory damages brought to the Court by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d), as Defendant's collection activity was directed to Plaintiff at her residence in Missouri. Plaintiff

suffered the harms described herein in Missouri. Venue is proper in the City of St. Louis, Missouri for this reason.

PARTIES

4. Plaintiff is a natural person currently residing in St. Louis, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA.

5. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions. Specifically, the alleged debt arose from consumer purchases of goods and services Plaintiff made on her QVC Inc. Easy Pay account.

6. Plaintiff has a bona-fide dispute of the debt. While Plaintiff did purchase consumer goods and services on her QVC account, the balance alleged of \$58.80 is not accurate to the best of Plaintiff’s understanding as it overstates any amount that could be due or owing to Defendant, as Plaintiff had fully paid off her QVC every time she purchased an item.

7. Defendant Nationwide Credit, Inc. (“Defendant”) is a foreign limited liability company with its principal place of business located in the State of Iowa.

8. The principal business purpose of Defendant is the collection of debts nationwide; Defendant regularly attempts to collect debts alleged to be due to another entity.

9. Defendant is engaged in the collection of debts from consumers through means of using mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. §1692a(6).

FACTS

10. Defendant’s collection activity, of which Plaintiff disputes, occurred within the previous twelve (12) months.

11. On July 10, 2019, Defendant attempted to collect the alleged consumer debt from Plaintiff via mail by sending its collection letter to Plaintiff. Plaintiff received this collection letter around July 10, 2019, which stated a balance of \$58.80.

12. Plaintiff believed the balance to be suspicious for the reasons stated above.

13. Plaintiff had many debts and could no longer manage them without the assistance of an attorney, and so, in early August of 2019, Plaintiff hired an attorney to advise her with respect to the debt that Defendant was trying to collect.

14. Plaintiff paid her attorney a significant fee for this representation to ensure that Defendant would be compelled to deal with her attorney once Plaintiff informed Defendant that she had retained counsel.

15. Shortly after retaining counsel, in early August of 2019, Plaintiff called Defendant to inform about her dispute and to provide her attorney's contact information.

16. Defendant verified plaintiff's identity and stated that she had a balance due of \$58.80 listed for Plaintiff.

17. Plaintiff explained that she did not owe anything to QVC.

18. Plaintiff then informed Defendant that she had hired an attorney to represent her on the debt Defendant was collecting and provided the name of her attorney to the Defendant and tried to provide her attorney's contact information before Defendant cut her off stating, "I can give you a payment arrangement."

19. Defendant, rather than taking attorney's name and phone number, proceeded to ignore Plaintiff's statement of being represented by an attorney.

20. Defendant proceeded to collect the debt directly from Plaintiff, even though it had been informed that Plaintiff hired counsel.

21. Defendant wanted to make Plaintiff's decision to hire counsel seem like an unbeneficial one. Defendant was attempting to get Plaintiff to settle directly with Defendant by making it seem as though Defendant would not work with Plaintiff's attorney.

22. Defendant stated that it could offer a settlement to the Plaintiff during the call, and proceeded to ask if Plaintiff was looking to settle the debt directly with Defendant as a one-time payment, or would like to use a payment plan option for two months.

23. This was an attempt to collect the debt from Plaintiff and to bypass Plaintiff's retained counsel by trying to get Plaintiff to settle the debt directly with Defendant.

24. Defendant's conduct showed blatant disregard for Plaintiff's right to cause debt collection communications to stop upon provision of Plaintiff's attorney information.

25. Defendant's above-described conduct has caused Plaintiff to incur actual damages including but not limited to attorneys' fees paid to her counsel, anxiety, frustration, and worry.

26. Further, Defendant's above-described conduct has caused Plaintiff to suffer the following additional injuries in fact:

- a. Plaintiff has been deprived of her statutorily created right to cause debt collection communication to cease upon provision of her attorney's contact information; and
- b. Plaintiff has been deprived of her statutorily created right to truthful information about the debt because Defendant misrepresented the amount of the debt.

27. The injuries in fact are fairly traceable to the challenged actions of Defendant in that Defendant engaged in the phone call with Plaintiff.

28. Plaintiff's injuries in fact are likely to be redressed by a favorable decision in this Court.

COUNT I: VIOLATION OF THE FDCPA

29. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

30. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. § 1692 et seq., including, but not limited to, the following:

- a. Falsely representing the character, amount, or legal status of the alleged debts, specifically the fact that Plaintiff was not entitled to attorney representation on the debt and the amount of the debt as stated in the phone call. 15 U.S.C. § 1692e; and
- b. Engaging in harassing, abusive, deceptive, misleading, unfair, and unconscionable conduct in the collection of a debt, including but not limited to refusing to acknowledge Plaintiff's right to counsel. 15 U.S.C. § 1692d-f; and
- c. Refusing to cease collection communications with Plaintiff once Defendant knew or should have known that Plaintiff was represented by counsel. 15 U.S.C. § 1692c.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages in an amount to be determined by the jury;
- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

Respectfully submitted,

ROSS & VOYTAS, LLC

By: /s/ Richard A. Voytas, Jr. _____
Richard A. Voytas, #52046
Nathan K. Bruns, #71812
12444 Powerscourt Drive, Ste 370
St. Louis, MO 63131
Phone: (314) 394-0605
Fax: (636) 333-1212
rick@rossvoytas.com
bruns@rossvoytas.com

Attorney for Plaintiff

In the
CIRCUIT COURT
 City of St. Louis, Missouri



For File Stamp Only

Myra Jordan

Plaintiff/Petitioner

07/14/2020

Date

vs.

Nationwide Credit, Inc

Defendant/Respondent

2022-AC05707

Case number

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff Myra Jordan, pursuant to Local Rule 14, requests the appointment by the Circuit Clerk of

Mark Effinger

109 Walnut, #785 Festus, MO 63028

314-713-1053

Name of Process Server

Address

Telephone

Name of Process Server

Address

Telephone

Name of Process Server

Address

Telephone

to serve the summons and petition in this cause on the below named parties.

SERVE:

C.T. Corporation System

Name

120 South Central Avenue

Address

Clayton, MO 63105

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By

Deputy Clerk

Date

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

/s/ Richard A. Voytas, Jr.

Attorney/Plaintiff/Petitioner
52046

Bar No.

12444 Powerscourt Drive, Suite 370, St. Louis, MO

Address

314-394-0605

Phone No.

RULE 14 SPECIAL PROCESS SERVERS

1. Any person appointed by the Court or the Circuit Clerk to serve process must have a license issued pursuant to this rule to serve process.
2. Licenses to serve process shall be issued by the Sheriff of the City of St. Louis if the applicant has met the following qualifications:
 - a. Is twenty-one years of age or older;
 - b. Has a high school diploma or an equivalent level of education;
 - c. Has insurance coverage for any errors or omissions occurring in the service of process;
 - d. Has not been convicted, pleaded guilty to or been found guilty of any felony, or of any misdemeanor involving moral turpitude; and,
 - e. Has passed a training course for the service of process which shall be administered by the Sheriff of the City of St. Louis.
3. Each applicant for a process server license under the provisions of this rule shall provide an affidavit setting forth such person's legal name, current address, any other occupations and current telephone numbers. Licensed process servers shall immediately notify the Sheriff of the City of St. Louis of any change in the above information, and the failure to do so shall constitute good cause for the revocation of such person's license.
4. The Sheriff of the City of St. Louis shall maintain a list of persons licensed to serve process pursuant to this rule, and shall make such list available to litigants upon request.
5. A photo identification card designed by the Sheriff of the City of St. Louis shall be issued in addition to the license. No other identification will be allowed. All licenses must be signed and approved by the Sheriff of the City of St. Louis and the Presiding Judge or his designee.
6. A license fee recommended by the Sheriff and approved by the Court En Banc shall be charged to cover the costs of compiling and maintaining the list of process servers and for the training of such process servers. The license fees shall be made payable to the Sheriff of the City of St. Louis.

7. A license for service of process issued under this rule may be revoked by the Sheriff with the approval of the Presiding Judge or his designee, for any of the following reasons:

- a. Misrepresentation of duty or authority;
- b. Conviction, guilty plea or finding of guilty of any state or federal felony, or a misdemeanor involving moral turpitude;
- c. Improper use of the license;
- d. Making a false return; or
- e. Any other good cause.

Provided, no service of process made by an appointed process server with a revoked license shall be void if the Court or Circuit Clerk made the appointment in good faith without knowledge of the license revocation.

8. Any person authorized to serve process may carry a concealed firearm as allowed by Section 506.145, RSMo, only while actually engaged in the service of process and only if the person has passed a firearms qualification test approved by a law enforcement agency; provided, however, that any licensed special process server may file a written waiver of the right to carry a concealed firearm and thereby avoid the requirements of firearm training and testing. Any violation of this section shall be considered beyond the scope of the privilege to carry a concealed weapon that is granted by the appointment, and shall constitute good cause for the revocation of the license.
9. Applications for the appointment of a special process server shall be made on forms available in the offices of the Sheriff and Circuit Clerk. Orders Appointing special process servers may list more than one licensed server as alternatives.
10. The licenses granted pursuant to this rule shall be good for two years. Each person granted a license shall be required to reapply at the expiration of the license and shall be required to provide all the information required in the initial application, including a current police record check.

(Approved 9/28/92; amended 11/23/92; 5/31/95; 12/17/07)



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: NICOLE JEAN COLBERT BOTCHWAY	Case Number: 2022-AC05707	Special Process Server 1
Plaintiff/Petitioner: MYRA JORDAN	Plaintiff's/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS 12444 POWERS COURT DRIVE SUITE 370 ST LOUIS, MO 63131 (314) 394-0605	Special Process Server 2
vs.		Special Process Server 3
Defendant/Respondent: NATIONWIDE CREDIT, INC.	Date, Time and Location of Court Appearance: 26-AUG-2020, 09:30 AM Division 28 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101 Please see the attached information for appearing via WebEx. WebEx connection information may also be found at http://www.stlcircuitcourt.com/	(Date File Stamp)
Nature of Suit: AC Other Tort		

Associate Division Alias Summons

The State of Missouri to: **NATIONWIDE CREDIT, INC.**

Alias:

**120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105****SPECIAL PROCESS SERVER**

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court **physically if the courthouse is open to the public for said proceedings or virtually if it is not** on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to chapter 517, RSMo. Should you have any questions regarding responsive pleadings in this case you should consult an attorney.

******Due to COVID19 challenges, virtual appearances by Webex.com are required until further order of this Court. ******

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

July 17, 2020

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than 10 days nor more than 60 days from the date the defendant/respondent is to appear in court. Service should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to:

_____ (name) _____ (title).

☐ other: _____.

Served at _____ (address) in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer.

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary _____
Supplemental Surcharge \$ 10.00 _____
Mileage \$ _____ (_____ miles @ \$. _____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

AFFIDAVIT OF SERVICE

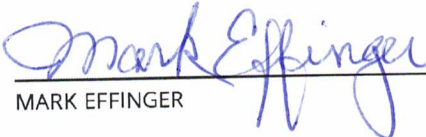
Case: 2022-AC05707	Court: 22ND-JUDICIAL CIRCUIT, CITY OF ST. LOUIS	County: Saint Louis City, MO	Job: ARS 203032
Plaintiff / Petitioner: MYRA JORDAN		Defendant / Respondent: NATIONWIDE CREDIT, INC	
Received by: ASSOCIATED RESEARCH SERVICES, LLC		For: Ross & Voytas	
To be served upon: CT CORPORATION SYSTEM REGISTERED AGENT FOR NATIONWIDE CREDIT, INC.			

I, MARK EFFINGER, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

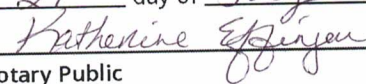
Recipient Name / Address: CT CORPORATION SYSTEM REGISTERED AGENT FOR NATIONWIDE CREDIT, INC.,
Manner of Service: SERVICE ON A CORPORATION VIA REGISTERED AGENT
Documents: ASSOCIATE DIVISION ALIAS SUMMONS

Additional Comments:
 SERVED BONNIE LOVE - INTAKE SPECIALIST AT CT CORPORATION (REGISTERED AGENT)

Service Fee: \$75.00
Non-EST: \$0
Mileage: \$0
Total: \$75.00


 MARK EFFINGER
 Date 7-27-2020

ASSOCIATED RESEARCH SERVICES, LLC
 109 WALNUT #785
 FESTUS, MO 63028
 314 713 1053

Signed and sworn to before me, a notary public, on this
27 day of July, 2020

 Notary Public
8-29-2022
 My Commission Expires

Katherine Effinger
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Jefferson County
 My Commission Expires: August 29, 2022
 Commission # 18818465



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: NICOLE JEAN COLBERT BOTCHWAY	Case Number: 2022-AC05707	Special Process Server 1
Plaintiff/Petitioner: MYRA JORDAN	Plaintiff's/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS 12444 POWERS COURT DRIVE SUITE 370 ST LOUIS, MO 63131 (314) 394-0605	Special Process Server 2
Defendant/Respondent: NATIONWIDE CREDIT, INC.	Date, Time and Location of Court Appearance: 26-AUG-2020, 09:30 AM Division 28 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101 Please see the attached information for appearing via WebEx. WebEx connection information may also be found at http://www.stlcircuitcourt.com/	Special Process Server 3
Nature of Suit: AC Other Tort		(Date File Stamp)

Associate Division Alias Summons

The State of Missouri to: **NATIONWIDE CREDIT, INC.**
Alias:
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

SPECIAL PROCESS SERVER

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court **physically if the courthouse is open to the public for said proceedings or virtually if it is not** on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to chapter 517, RSMo. Should you have any questions regarding responsive pleadings in this case you should consult an attorney.

****Due to COVID19 challenges, virtual appearances by Webex.com are required until further order of this Court. ****

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July 17, 2020

Date

Thomas Koppinger

Clerk

Further Information:

Sheriff's or Server's Return

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I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to: BONNIE LOVE (name) INTAKE SPECIALIST (title).

Served at 120 S. CENTRAL AVE. CLAYTON, MO 63105 (address) in ST. LOUIS COUNTY (County/City of St. Louis), MO, on 7-27-2020 (date) at 2:15 PM (time).

Katherine Effinger
Notary Public - Notary Seal
ST. LOUIS COUNTY

Signature of Sheriff or Server

My Commission Expires: August 29, 2022 (date).
 My commission expires: 8-29-2022 Katherine Effinger

Sheriff's Fees, if applicableSummons \$ 50.00

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00Mileage \$ _____ (0 miles @ \$ 0 per mile)**Total** \$ 50.00

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI
ASSOCIATE DIVISION**

MYRA JORDAN,

Plaintiff,

v.

NATIONWIDE CREDIT, INC.,

Defendant.

Case No 2022-AC05707

Division 28

MOTION FOR CONTINUANCE

COMES NOW, Plaintiff Myra Jordan, by and through her undersigned counsel, and requests this Court a continuance from a August 26, 2020 at 9:30 a.m. court date to a October 7, 2020 at 9:30 a.m. court date.

Respectfully submitted,

ROSS & VOYTAS, LLC

By: /s/ Richard A. Voytas, Jr.
Richard A. Voytas, Jr., #52046
rick@rossvoytas.com
12444 Powerscourt Drive, Ste 370
St. Louis, MO 63131
Phone: (314) 394-0605
Fax: (636) 333-1212

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served by operation of the electronic filing system pursuant to Rule 103.08 and Court Operating Rule 27.01 or by U.S. Mail, postage prepaid, for parties not registered to receive e-filings this 20th day of August, 2020.

NATIONWIDE CREDIT, INC.
120 South Central Ave.
Clayton, MO 63105

/s/ Richard A. Voytas, Jr.